

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date set forth below as First Class Mail in an envelope addressed to the Commissioner for Patents, P O Box 1450, Alexandria, VA 22313-1450

Date of Signature and Deposit: July 30, 2004

Nicholas J. Seay
Nicholas J. Seay
PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Paul C. Tang
Charles Y. Young

Date: July 30, 2004

Serial No.: 09/524,826

Group Art Unit: 3626

Filed: 03/14/2000

Examiner: Kim T. Bui

Title: ELECTRONIC MEDICAL RECORDS SYSTEM WITH ACTIVE CLINICAL GUIDELINES
File No.: 310265.90261

RESPONSE TO REQUIREMENT FOR INFORMATION

Commissioner For Patents
P O Box 1450
Alexandria, VA 22313-1450

RECEIVED

AUG 9 - 2004

GROUP 3600

Dear Sir:

By a document mailed May 5, 2004, in the file of the above-identified application, the Examiner in charge of the application asked the applicants for additional information. By this response the applicants are attempting to respond to that request.

The Examiner had requested that the applicants provide more information about the applicants' systems. This information was specifically requested in view of two documents. One published in the fall of 2000 by the inventors here entitled "Active Guidelines: Integrating Web-Based Guidelines With Computer Based Patient Records." That system describes a system operated in accordance with the present invention. The other document found by the Examiner was a document entitled "Testimony to the NCVHS Regarding Standards Supporting Surveillance Data for Immunizations" dated February of 1997 by Dr. Paul Tang, one of the inventors of this application. The Examiner has asked the applicants for publications, brochures, manuals and press releases related to the systems described in these documents.

08/04/2004 JBALINAN 00000047 170055 09524826

01 FC:1201 86.00 DA

A few words of background explanation might help. Epic Systems Corporation ("Epic") makes a family of products which are intended to provide software solutions to healthcare facilities. Many of those products are intended for ambulatory facilities, which means outpatient healthcare facilities that provide services to patients who are not admitted for an overnight stay in a healthcare facility such as a hospital. One of Epic's products for which it is best known is EpicCare, which is an electronic medical records product created by Epic and marketed to the healthcare community by Epic. EpicCare has existed in various forms since 1992 and is available only directly from Epic. As part of its features, EpicCare provides various kinds of support to physician decision making about clinical care of a patient. One of those methods or providing clinical support is the active guideline system described and claimed in this patent application. That system was introduced into the Epic product either after, or within one year before, the filing of the patent application hereto. When Epic employee Dr. Tang testified for the NCVHS, as cite by the Examiner, in February of 1999, there was no active guidelines feature within the EpicCare product.

Enclosed herewith and marked as Exhibit A is a general brochure intended to describe the EpicCare product. This short two page item dating from 2000 is intended to give an overview as to what the product encompasses.

When Epic creates a new version of its product, it sends out a new "release" of the product that adds new features to the product. Attached herewith is a document labeled Exhibit B entitled "EpicCare Electronic Medical Record Enhancements of the December 1999 Release." That document describes the addition of the Active Guidelines feature to the EpicCare product. The document attached is actually the table of contents of the manual for the December 1999 release. Since that manual in its entirety is rather long, and the communication from the Examiner instructed the applicants to submit only those portions of documents that were relevant, Exhibit C includes page 20 of this document which describes the addition of the Active Guidelines feature to the EpicCare product and identifies where further information on the feature can be accessed in the EpicCare users guide, available on line in the product. Note that the fact that clinical guidelines had existed before was not new. What was new in December 1999 was the addition of active guidelines, based on an HTML format as briefly described in the description of that product on Exhibit C and described more fully in this patent application. For comparison purposes, enclosed hereto as Exhibit D is the full table of contents of the entire EpicCare manual in the form that it existed in June of 1999.

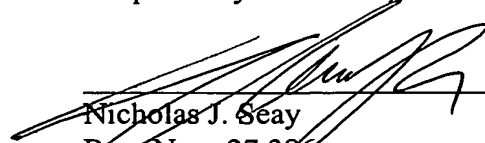
Note that the active guidelines feature is referenced nowhere in this table of contents, which is comprehensive for the product. The feature had not yet been released or provided to customers of applicant as of June of 1999.

Prior to the implementation of Active Guidelines, there was a feature within Epic that did permit the development of a kind of clinical guideline. This was part of a feature known as "BestPractice." Referring to the EpicCare manual from June of 1999, Section 25 describes features of the BestPractice's feature of EpicCare product as it existed at that time. Chapter 25 of that manual is included herewith as Exhibit E in the interest of full candor. On page 17 of that subsection is a clinical guidelines designer which facilitates the creation of clinical guidelines that could be used within the EpicCare system. Note that this is not HTML based, and the active guideline system described in this patent application works much differently than that described in this section of the manual. This submission is made only in the interests of full candor.

It is hoped that this information is what the Examiner was seeking by this request for information. If it is not, or more detail would be useful about this product, the applicants hereby express a willingness to supplement the material provided herewith. The EpicCare system did exist prior to the filing of this patent application. The system was mature and had been on sale for some time. However, the active guidelines feature described and claimed in this patent application did not exist previously and was not commercially available in the EpicCare system more than one year before the filing of this patent application.

If additional information is required, please so inform the undersigned.

Respectfully submitted,



Nicholas J. Seay
Reg. No.: 27,386
Attorney for Applicants
QUARLES & BRADY LLP
P.O. Box 2113
Madison, WI 53701

TEL 608/251-5000
FAX 608/251-9166